



STATE REPRESENTATIVE
FREDERICK P. KESSLER

WISCONSIN STATE ASSEMBLY

12TH DISTRICT

**Statement of State Representative Frederick P. Kessler
Assembly Committee on Corrections and Courts
Wisconsin Capitol -- Room 328 Northwest
Wednesday, February 24, 2010
Assembly Bill 223**

I would like to thank the committee for taking up this bill today for discussion. AB 223 seeks to fix a wrong in the justice system. The current law allows an allegedly delinquent juvenile to be placed in the Serious Juvenile Offender program or a juvenile correctional facility past the age of 17. However, the current law does not allow for a juvenile to request a trial by jury.

This bill is not revolutionary. It is not trying to create some new right for alleged delinquents. Instead it is a common sense strategy to guarantee the same rights to individuals who are faced with adult incarceration, regardless of the age at which the offense occurred.

The right to a jury trial is guaranteed under Article 1, Section 5 of the Wisconsin Constitution, but under the current state law it is not. This bill seeks to bring the Wisconsin law in line with the fundamental rights of Americans and give juveniles who may be involved in the juvenile corrections system beyond the age of minority the right to request a jury trial.

A case might be made for denying juveniles a jury trial, but to deny it when the punishment will continue through adulthood is a serious impairment.

When the Bill of Rights was adopted and the Wisconsin Constitution was written, the right to a jury was protected. It should now be restored to all adult citizens.